

BEFORE THE NEBRASKA LIQUOR CONTROL COMMISSION

In Re: RICHARD & DONNA SMITH)
 "Smitty City West")
 701 So 4th Street)
 Pender NE 68047)
)
On Suspension, Cancellation or Revocation of)
Class D-11206 Liquor License)

O R D E R

Now on the 13th day of July, 2006, this matter came on for hearing before the Hearing Officer appointed by the Nebraska Liquor Control Commission pursuant to 237-LCC1-002.14 of the Rules and Regulations of the Nebraska Liquor Control Commission, notice having been served upon the licensee to appear and respond to an administrative citation alleging that the license should be suspended, cancelled or revoked as more fully set out herein.

The licensee was present. The State was represented by Milissa Johnson-Wiles, Assistant Attorney General.

Based upon the evidence received in this case, the Hearing Officer finds the following:
FINDINGS OF FACT:

1 That a renewal for license was filed on May 1, 2006, after the date of April 30, 2006, prescribed by law.

CONCLUSIONS OF LAW:

1. That the filing of said renewal after the date prescribed by law is in direct violation of Section 53-135 of the Nebraska Statutes and/or 237-LCC1-008 of the Rules and Regulations of the Nebraska Liquor Control Commission.

8. That the license should be suspended for a period of one (1) day.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED that the Class D License of Richard & Donna Smith dba "Smitty City West", 701 So 4th Street, Pender, Nebraska, should be, and the same hereby is, suspended for a period of one (1) day, such suspension to commence at the closing hour of business on the 17th day of September, 2006, and to continue until the opening hour of business on the 19th day of September, 2006.

IT IS FURTHER ORDERED that the notice of suspension shall be posted upon the premises, said notice to remain posted throughout the term of said suspension.

IT IS FURTHER ORDERED that the licensee shall pay costs of this action, assessed in the amount of \$23.00.

Dated this _____ day of August, 2006

NEBRASKA LIQUOR CONTROL COMMISSION

BY _____
(Chairman)

I hereby certify that this is a true and correct copy of the original order entered herein, and further certify, that a copy was mailed by U.S. Certified Mail, return receipt requested, on this _____ day of August, 2006.

(Executive Director)